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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,491	12/04/2000	Hua Chen	SOM920000009US1	6533

58776 7590 06/01/2006		EXAMINER
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ART UNIT	PAPER NUMBER
2178	

LOCUST VALLEY, NY 11560

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/727,491	CHEN ET AL.
	Examiner	Art Unit	
	Cong-Lac Huynh	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-12 and 14-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 9-12, 14-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: response filed 3/15/06 to the

application filed on 12/04/00.

2.   Claims 7-8, 13, 19-20 are canceled.

3.   Claims 1-6, 9-12, 14-18 are pending in the case. Claims 1, 11, 14 are

independent claims.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-6, 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding independent claim 1, it is not clear why having to store *the multimedia*

description file and the multimedia repository file as a single multimedia repository file

since *the <u>multimedia repository file already includes the multimedia description file in</u>*

<u>*combining step*</u>.

Accordingly, "storing the modified multimedia description file and the modified

multimedia repository file as a single modified multimedia repository file" appears to be

redundant since the modified multimedia repository file already includes the modified

description file due to combining of the multimedia assets and the modified multimedia

description file.

Claims 11 and 14 are rejected under the same issue as for claim 1.

Dependent claims 2-6, 9-10, 12, 15-18 are rejected for the deficiencies in their base

claims 1, 11, and 14.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 1-2, 6, 9-14, 18 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Gibbon ((US Pat No. 6,473,778 B1, 10/29/02, filed 2/1/99, priority

12/24/98).

Regarding independent claim 1, Gibbon discloses:

- incorporating multimedia assets into a framework as a series of related frames (figure 6, #612, #614, col 11, line 17 to col 12, line 6)

- creating a multimedia description file in a template for formatting multimedia assets (col 5, lines 1-19; figure 9, col 13, lines 63-67)

- combining the multimedia assets and the multimedia description file in the template through an automated processing program to create a multimedia repository file executable on a multimedia player (figure 9, col 13, line 53 to col 14, line 7)

- creating hypermedia documents from conventional transcription of television programs wherein a hypermedia document is created by inserting multimedia content into the template using an *automated* method and an *automated multimedia authoring tool* for (col 2, lines 46-53, figure 9, and col 13, line 53 to col 14, line 7)

Gibbon does not disclose explicitly a batch-processing program to create a multimedia repository file executable on a multimedia player.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Gibbon to include a batch-processing program to create a multimedia file since the fact that the multimedia assets and the multimedia description file are combined into one file executable on a multimedia player of the computer suggests that said combined file is implemented based on a batch mode program.

Gibbon further discloses:

- storing the multimedia description file and the multimedia repository file as a single multimedia description/multimedia repository file on a storage device (figure 9: the fact that the HTML file, which is a combination of the description file and the image, video and audio, exists implies that said HTML file is stored for use)

- accessing the multimedia description file by at least one authoring session manager for access to the multimedia assets, (col 3, lines 18-28, 45-57, col 2, lines 8-12, figure 9 and col 13, line 53 to col 14, line 7: *accessing a large multimedia database* using *standard text* information retrieval system, selecting the best multimedia data for creating the content of a multimedia file)

- the series of related frames comprising a thumbnail frame, a meta frame, and one or more media frames (col 12, lines 7-34: the slide show icon in the slide show document is equivalent to a thumbnail frame, the video frames are media frames, and the frame-reference transcript is equivalent to the meta frame, all are related frames of a hypermedia document)

Gibbon does not disclose that the series of related frames comprising a header frame and an end of sequence frame.

However, it would have been obvious to an ordinary skill in the art at the time of the invention was made to have modified Gibbon to include the header frame and the end of sequence frame since a hypermedia document should have a title which is disclosed in the first frame of the slide show and should have an ending which is disclosed in the last frame of the frame sequence.

Gibbon does not disclose:

- creating a modified multimedia description file in a template

- creating a modified multimedia repository file upon combination of the multimedia
  assets and the modified multimedia description file

- for each authoring session manager, storing a modified multimedia
  description/multimedia repository file on a storage device associated with the
  authoring session manager, wherein the modified multimedia repository file is
  configured for execution on a multimedia player

However, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to include into Gibbon the creation of a modified multimedia

description file, which is merely modifying the multimedia description file, and the

creation of the modified repository file, which is merely modifying the multimedia

repository file caused by modifying the description file, which is a component of the

multimedia repository file for the following reason. Whenever images or audio data is

changed or added, the description file for the image and audio data will be modified to

be proper to the change. Therefore, it is understandable that the multimedia repository

file, which is combined by a *modified* multimedia description file and the multimedia

data, is modified. And, since the combined multimedia repository file is modified,

storing such a modified file was known as a must step to keep data for later use.

Regarding claims 2 and 9, which are dependent on claim 1, Gibbon discloses injecting

other content into the multimedia description file (col 5, lines 1-19: placing anchors

elsewhere in the text, modify the list to improve the document layout; col 2, lines 8-12:

generating a hypermedia document in response to the user request using a selected

template implies that the multimedia content must be injected into the template, which is

equivalent to the multimedia content description file, for said generating).

Regarding claim 6, which is dependent on claim 1, Gibbon discloses managing the

creation of the template and the multimedia content description file in stages by different

users (figure 9 and col 13, line 53 to col 14, line 7, col 2, lines 8-12).

Regarding claim 10, which is dependent on claim 1, Gibbon discloses that the

multimedia repository file is a multimedia container in a binary format (col 11, lines 63-

67: since the video frames extracted in digital format via the analog-to-digital converter,

the multimedia file including video frames should also be in digital format, that means in

the 1s and 0s of binary numbers).

Claims 11-12 are for a system of method claims 1 and 6 and are rejected under the

same rationale.

Claims 14, 18 are for a program medium of method claims 1-2, 6, and are rejected

under the same rationale.

Claim 13 is for a system of method claim 7, and is rejected under the same rationale.

9.   Claims 3-5, 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable

over Gibbon as applied to claims 1 and 14 above, and further in view of Hui (US Pat No.

6,654,030 B1, 11/25/03, filed 3/31/99).

Regarding claim 3, which is dependent on claim 1, Gibbon does not disclose creating

an XML based MVR file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based video file in Hui

suggests creating a multimedia file in XML-based format, providing the advantage to

apply the XML-based format instead of the HTML-based format to the multimedia file in

Gibbon (figure 9) for enhancing the display of multimedia files on the web such as

synchronizing the video files, a feature that HTML does not provide to multimedia.

Regarding claim 4, which is dependent on claim 1, Gibbon does not disclose using a

textual editor to create an MVR-XML file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based multimedia file

would provide the advantage to apply to the HTML-based multimedia file, which is also

in markup language-based for conveying more features for a media file such as video

synchronizing, and it was well known in the art that the multimedia file in XML or HTML

format, which is a text file, is created using any text editor.

Regarding claim 5, which is dependent on claim 1, Gibbon does not disclose using an

MVR-XML file as a data interchange among other Rich Media Content creation

applications.

Hui discloses using an MVR-XML file as a data interchange among other Rich Media

Content creation applications (col 4, lines 49-65 and figure 4: disk 3 has media files for

different applications).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since Hui discloses using an MVR-XML

file as a data interchange among other Rich Media Content creation applications

providing the advantage to replace the MVR-HTML file in Gibbon for advanced features

for video files such as video synchronizing.

Claims 15-17 are a medium of method claims 3-5, and are rejected under the same

rationale.

Response to Arguments

10.   Applicant's arguments filed 3/15/06 have been fully considered but they are not

persuasive.

Applicants state that Gibbon fails to render obvious the incorporation of a thumbnail

frame and a meta frame into a framework with one or more media frames as well as the

incorporation of a header frame and an end of sequence frame into a framework with

these media frames.

Gibbon discloses a thumbnail frame, which is the slide show icon in the slide show.

document, the media frames, which is video frames, and the meta frame, which the

frame-reference transcript, all are related to a hypermedia document (col 12, lines 7-

34). Regarding the header frame and the end of sequence frame, it is simple that a

header frame normally with title of a multimedia document and the end frame would be

made normally with the text "The end" or "Thank you" added to the document to show

the start and the end of the document.   One example for this in Gibbon is the

transcripts "Begin video clip" to show the header, and "voice over" (col 5, lines 40-52) to

show the end.

Applicants argue that Gibbon fails to suggest or disclose the combining of multimedia

assets and a multimedia description file through a batch-processing program to create a

multimedia repository file that is executable on a multimedia player, as recited in the

independent claim.

Gibbon teaches a HTML presentation including *transcription text*, which is equivalent to

description file, and images and audio stream, which are multimedia assets (col 13, line

53 to col 14, line 20) rendered for viewing on a computer, actually on the multimedia

player of the computer, when being executed according to a program (col 13, lines 22-

44). This shows combining of multimedia assets and multimedia description file to

create a multimedia repository file that is executable on a multimedia player of the

computer. The combining feature is also disclosed in Gibbon via linking video frames, which are multimedia assets, to time-referenced transcript based on time references, which is form of description, to produce a hypermedia document executable on a computer.

Applicants argue that Gibbon does not disclose that the HTML file is stored with the multimedia descriptor as a single file, and so fails to disclose storing of a multimedia description file and a multimedia repository file as a single multimedia repository file. Examiner respectfully disagrees.

Since the HTML file is a combination of the description file and image, video and audio, which are multimedia assets, in response to a user's request (col 2, lines 1-7, col 13, line 53 to col 14, line 20, figure 9), it was well known that such file, when created, is stored for rendering to users and for later use. The HTML file, which is single multimedia repository file, when being stored, that means, the multimedia description file included in it is also stored.

Applicants argue that Gibbon fails to disclose the creation a modified multimedia description file, and thus fails to disclose the creation of a modified multimedia repository file through the accessing of the single multimedia repository file. Though Gibbon fails to disclose creation a modified multimedia description file, Gibbon does teach a multimedia description file (figure 9, col 13, line 53 to col 14, line 20). Creation a modified multimedia description file is nothing rather than modifying a

multimedia description file, where modifying a file is well known in the art. Therefore, it would have been obvious to an ordinary skill in the art to incorporate the modifying feature into Gibbon for effectively providing a new version of a file by either adding desired details to or removing unwanted details from the file.

Also, once the modified multimedia repository is created, of course, said file has to be stored for later use.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Curry (US Pat No. 5,479,584).

Wilkins et al. (US Pat No. 7,042,583).

Huckins (US Pat No. 7,032,239).

Kiyono et al. (US Pat No. 6,137,483).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Primary Examiner
Art Unit 2178
05/24/06